

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for October 15, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit 2038

**PROPOSAL:** Obtain a special permit for a salvage yard.

**LOCATION:** Approximately South 3<sup>rd</sup> and Garfield Streets.

**LAND AREA:** 27,000 square feet, more or less.

**CONCLUSION:** As proposed, this application does not conform to the Comprehensive Plan or Zoning Ordinance. However, changes can be made to bring this project into conformance.

<b>RECOMMENDATION:</b>	<b>Conditional Approval</b>
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### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

Lots 33 - 36, Block 6, and Lots 14 - 17, Block 7, Hull's South Addition, located in the NW 1/4 of Section 35 T10N R6E, Lancaster County, Nebraska.

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Auto salvage and repair business.

#### **SURROUNDING LAND USE AND ZONING:**

North:	Industrial	I-1 Industrial
South:	Industrial	I-1 Industrial
East:	Industrial	I-1 Industrial
West:	Industrial	I-1 Industrial

#### **HISTORY:**

May 1979 The zoning on this property changed from K Light industrial to I-1 Industrial as part of the 1979 zoning update.

#### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Land Use Plan shows this area as Industrial. (F 25)

**Industrial:** Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail or warehouses. (F 22)

**TRAFFIC ANALYSIS:**

The Comprehensive Plan identifies both 3<sup>rd</sup> and Garfield Streets as Local Streets, both now and in the future. A Street, located approximately 1-1/2 blocks north, is classified as a Minor Arterial, both now and in the future. (E49, F103)

**Local Streets:** These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. (F 105)

**Minor Arterials:** This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

**ENVIRONMENTAL CONCERNS:**

This site is located within the 100-year floodplain. Concerns exist over potential for water contamination from automotive fluids, as well as vehicles and other material being carried away during a flood event.

**AESTHETIC CONSIDERATIONS:**

The Design Standards include specific screening requirements for salvage yards to screen the yard contents from view by the public.

**ALTERNATIVE USES:**

This property could be used for any use allowed in the I-1 zoning district.

**ANALYSIS:**

1. This is a request for a special permit to allow a salvage yard operation on approximately 27,000 square feet, including a 5,000 square foot office/shop building and 1,000 square feet of enclosed storage space. This business and use is currently in existence.
2. Based upon a review of the records of the Building and Safety Department for this property, it appears as though Applicant has been cited for running an illegal salvage operation. Approval of this special permit will make this use legal.
3. Salvage yards are allowed by special permit in the I-1 zoning district provided they conform to the conditions of LMC §27.63.500:

- a) **Construction and operation shall comply with Chapters 5.41 (Salvaging, Recycling, and Composting Operations) and 8.26 (Nuisances) of the Lincoln Municipal Code and any other applicable codes or requirements;**

This is a recommended condition of approval.

- b) **Receiving areas for salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened storage areas.**

This is a recommended condition of approval.

- c) **Scrap processing operations and salvage yards shall contain a minimum of two acres, except that the site may be as small as 20,000 square feet where the site abuts one or more existing scrap processing or salvage yards that exceed two acres in total, or where the site is located no closer than 100 feet to the boundary of the I-1 zoning district except where said boundaries are common with H-2 zoning district;**

This site contains approximately 27,000 square feet. However, it is located approximately 198' from the I-1 zoning district boundary. Therefore, this lot size is permitted.

- d) **Salvage material kept outside a building or buildings shall not be located closer than 500 feet from any of the following entrance corridors, except where existing land forms completely obstruct the view by the traveling public of the salvage material;**

This condition is not applicable as this site is located more than 500' from each of the enumerated entrance corridors.

- e) **Salvage material kept outside a building or buildings shall not be located in the required front yard;**

This is a recommended condition of approval.

- f) **Salvage material kept outside a building or buildings shall be located at least 100 feet from the boundaries of the I-1 or I-2 zoning district except where said boundaries are common with the H-3 zoning district and shall be at least 500 feet from any residential zoning district;**

The boundaries of this site are located more than 100' from the boundaries of the I-1 zoning district, and approximately 1,075' from the nearest residential zoning district.

- g) **Salvage materials may be stored in enclosed semi-trailers provided that the semi-trailers are properly licensed and are operable to be drawn by a motor vehicle upon the streets and highways of the City of Lincoln and the State of Nebraska and the semi-trailer shall not be located in the required front yard. Where the side yard or rear yard of the salvage yard abuts a residential district, the semi-trailers shall be**

**located at least twenty feet from the respective side lot line or rear lot line and the openings to the trailer shall not face the residential district;**

Applicant has not proposed to use semi-trailers for storage. However, since semi-trailers could be used in the future, these requirements will be a recommended condition of approval.

- h) The City Council may decrease the setback requirements in (c) and (f) above upon a finding that there is sufficient justification for such modification and that there will be no significant adverse effect on the adjacent property.**

Applicant has not asked to waive any of the setback requirements in (c) or (f).

4. The Design Standards require 90% screening from ground level to 6' in height. Applicant proposes to meet this requirement with a minimum 8' tall opaque fence. It should be noted on the drawings that the salvage material shall not be stored above the top of the fence, the fences must be of a neutral color, and the gates should remain closed unless material is being transported into or out of the storage area. The height of all fences should also be indicated.
5. A visit to this site reveals much of the existing fencing is chain link, either with slats or with freestanding wood stockade fence panels placed on the inside of the chain link. Design Standards do not allow chain link fencing, with or without slats. This fencing must be changed to conform with Design Standards.
6. This entire site is located within the 100-year floodplain. The applicant will erect a fence around the property pursuant to Design Standards, which should contain any floating material during a flood. Additionally, the applicant has proposed to "moor" the salvage vehicles themselves to rebar embedded in concrete. This mooring system will be similar to that used at the City Impound Lot located at 1<sup>st</sup> and Charleston.
7. With regard to the potential for water contamination, the City does not have any restrictions for this type of use in the floodplain. However, LMC §5.41.110 typically requires automotive fluids and batteries be removed within 90 days of arrival or prior to any salvage process.
8. The drawings and attached aerial photograph indicate salvage material is being stored in public right-of-way and on other property not owned by Applicant. All such material must be stored within the limits of this permit, and fences constructed across public right-of-way must be removed. A fence must be constructed along the west line of Lots 33-37, Block 6 adjacent to the alley, or the alley must be vacated and purchased by Applicant.

9. No City departments have objected to this application.
10. Applicant has provided letters of support from 13 neighboring property owners. A copy of one is attached for reference. All of the letters are part of the file, and may be viewed at the Planning Department.

The Planning Department recommends conditional approval based upon the following conditions.

**CONDITIONS:**

Site Specific:

1. This approval permits a salvage yard.

General:

2. Prior to occupying the building and using the premises for a salvage yard:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 8 copies showing the following revisions:
      - 2.1.1.1 Revise the legal description to include Lot 37.
      - 2.1.1.2 Remove the word “existing” from the labels of the various elements on the drawing.
      - 2.1.1.3 Show the height of each fence segment.
      - 2.1.1.4 Add a note stating outdoor storage of salvage material will not exceed the height of the fence.
      - 2.1.1.5 Add a note stating all perimeter fencing must be opaque. Chain link fencing is not permitted for perimeter fences, whether with or without slats.
      - 2.1.1.5 Add a note stating fences will be a neutral color.
      - 2.1.1.6 Add a note stating fence gates leading to outdoor storage areas will remain closed at all times, unless salvage material is being transported into or out of the storage area.

- 2.1.1.7 Identify the use of the area located north of the building on Lots 36 and 37.
- 2.2 The construction plans comply with the approved plans.
- 2.3 Applicant shall receive a Section 404 Permit or a Letter of No Effect from the Army Corps of Engineers.
- 2.4 The applicant shall receive a Flood Plain Development Permit from Building and Safety in compliance with Lincoln Municipal Code.
- 2.5 A fence must be constructed along the west line of Lots 33-37, Block 6. Fences constructed across both alleys must be removed. Alternatively, Applicant may request to vacate and purchase the alleys.
- 2.6 Install mooring as shown on the approved plan.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
  - 3.1 The operation and use is to comply with Chapter 5.41 for "Salvaging, Recycling, and Composting Operations" and 8.26 for "Nuisance" of the Lincoln Municipal Code, as amended.
  - 3.2 Receiving areas for salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened storage areas.
  - 3.3 Salvage material kept outside a building shall not be located in the required front yard.
  - 3.4 All perimeter fencing must be of a neutral color, and cannot be chain link, whether with or without slats.
  - 3.5 Enclosed semi-trailers may be used for storage provided they are properly licensed, operable, and not located in the required front yard. They may be located in the side or rear yard, provided that if such yard abuts a residential district, the semi-trailers shall be located at least 20' from the respective property line and openings to the trailer shall not face the residential district.
  - 3.6 All privately-owned improvements, including landscaping and screening, are to be permanently maintained by the owner or other alternative approved by the City.

- 3.7 Fences shall be installed, inspected, and maintained as provided in Lincoln Municipal Code and the Lincoln Design Standards.
- 3.8 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.9 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.10 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Greg Czaplewski  
Planner

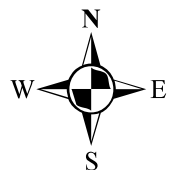
**DATE:** September 28, 2003

**Applicant and Owner:** Britt Baer  
1647 South 3<sup>rd</sup> Street  
Lincoln, NE 68502  
477.6442

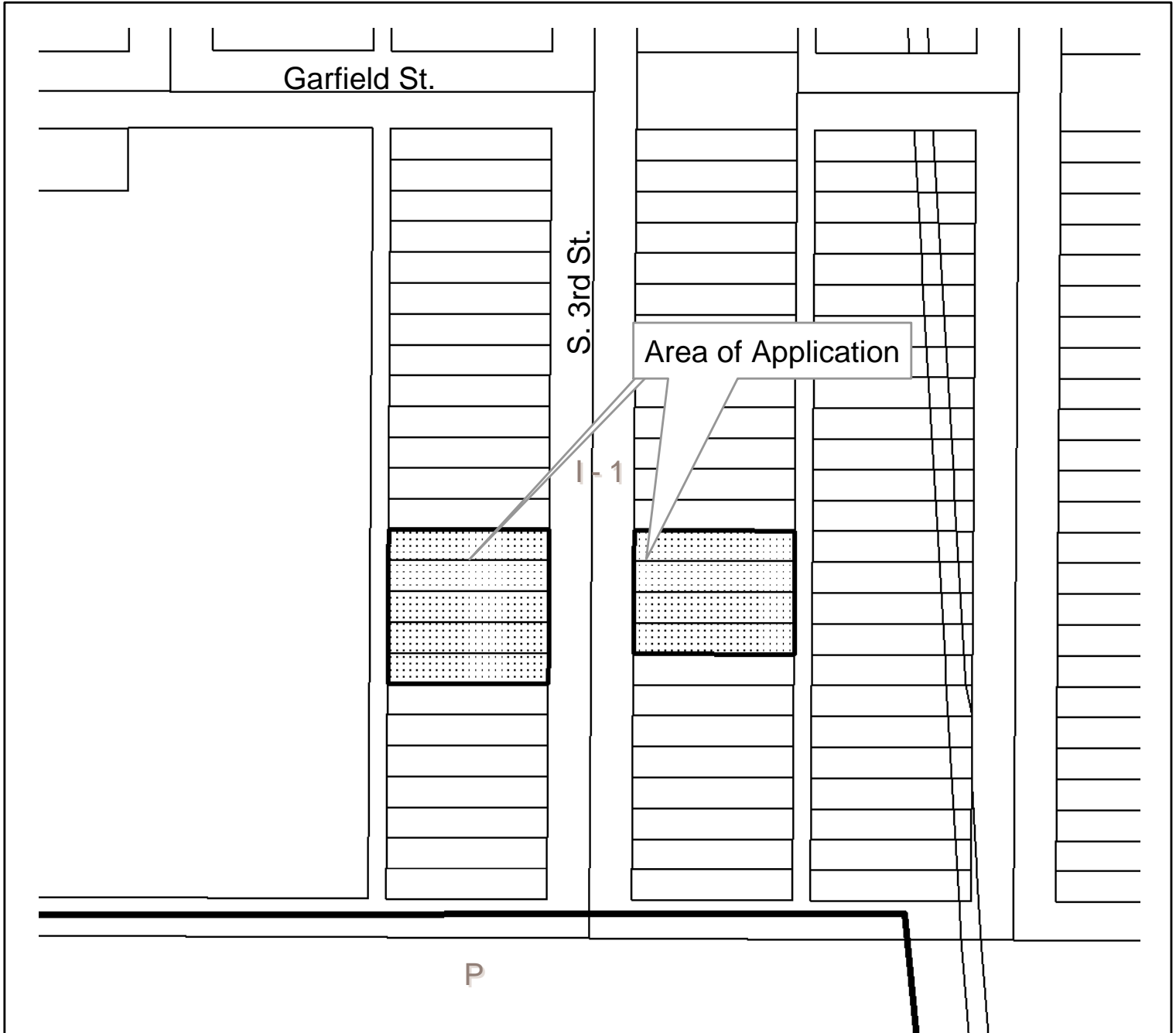
**Contact:** Brian D. Carstens & Associates  
Brian Carstens  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512  
434.2424



**Special Permit #2038**  
**1647 S. 3rd St.**





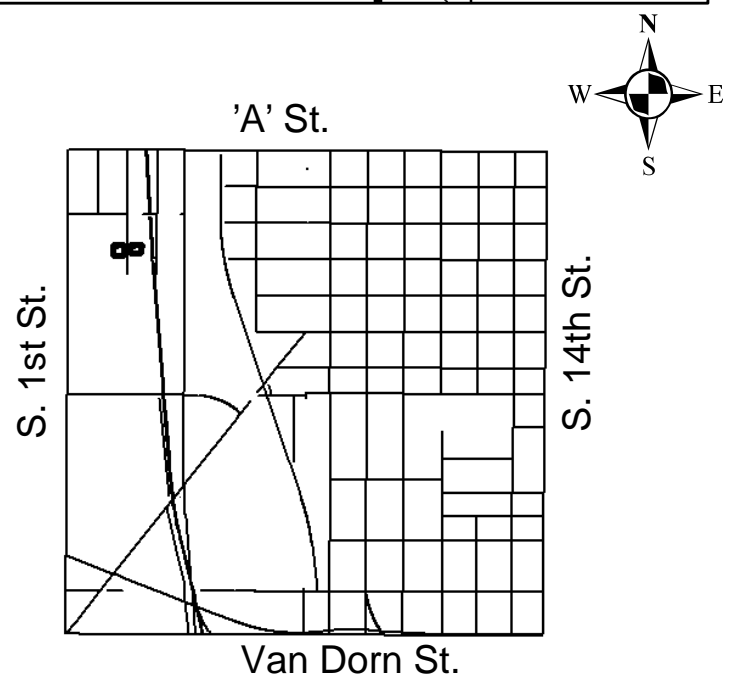
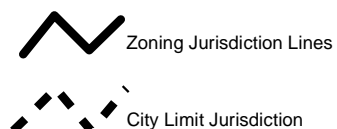


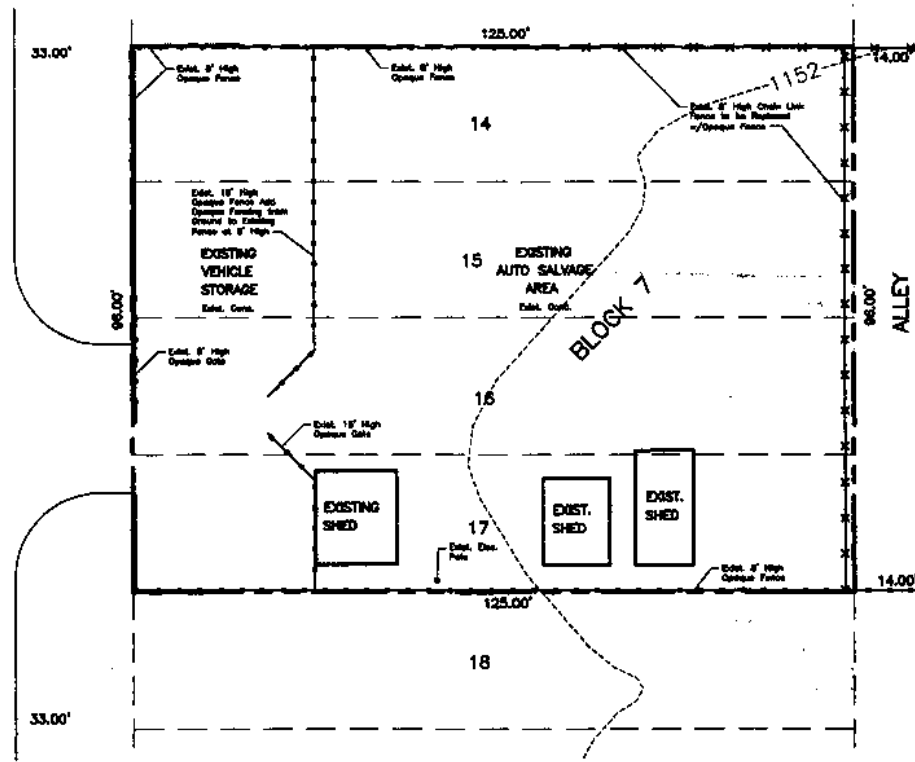
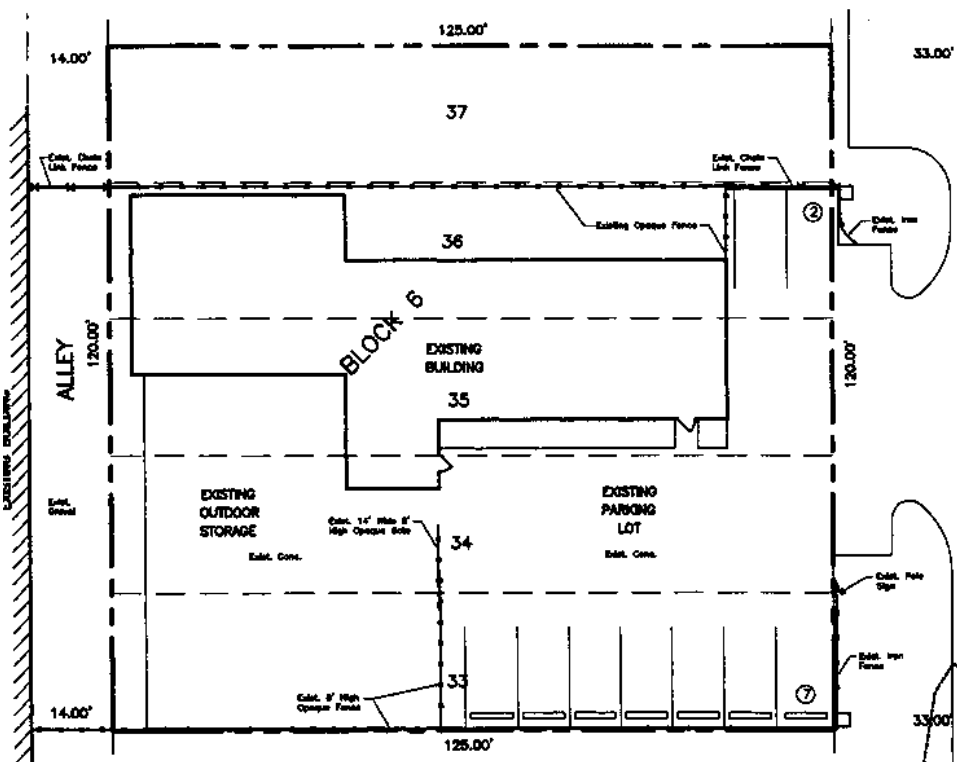
## Special Permit #2038 1647 S. 3rd St.

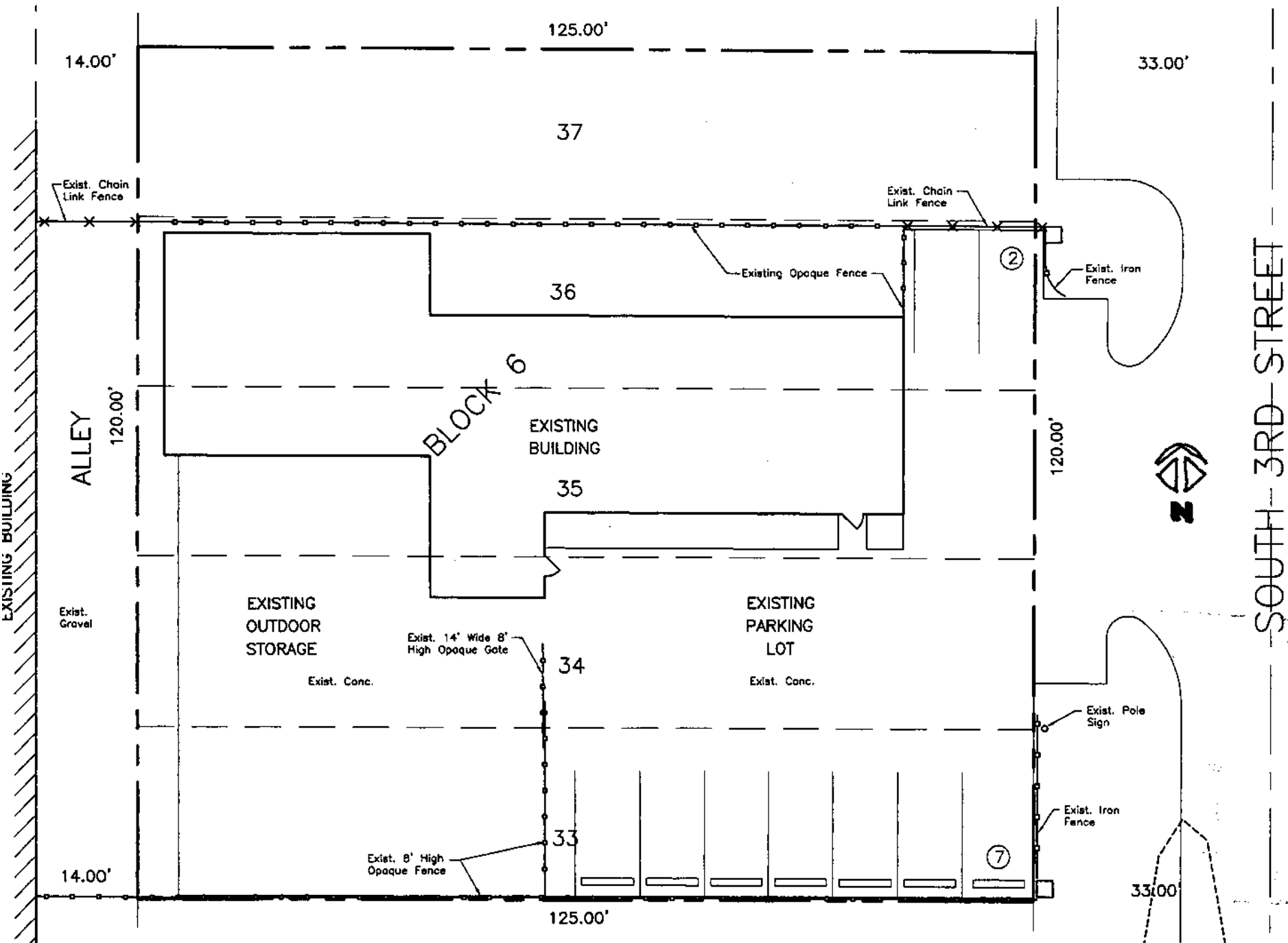
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 35 T10N R6E







SOUTH-3RD-STREET

33.00'

125.00'

14.00'

Exist. 8' High  
Opaque Fence

Exist. 8' High  
Opaque Fence

14

Exist. 8' High Chain Link  
Fence to be Replaced  
w/Opaque Fence

Exist. 16' High  
Opaque Fence Add  
Opaque Fencing from  
Ground to Existing  
Fence at 8' High

EXISTING  
VEHICLE  
STORAGE

Exist. Conc.

15

EXISTING  
AUTO SALVAGE  
AREA

Exist. Conc.

96.00'

Exist. 8' High  
Opaque Gate



Exist. 16' High  
Opaque Gate

16

EXISTING  
SHED

17

Exist. Elec.  
Pole

EXIST.  
SHED

EXIST.  
SHED

Exist. 8' High  
Opaque Fence

125.00'

14.00'

18

33.00'

BLOCK 7

ALLEY

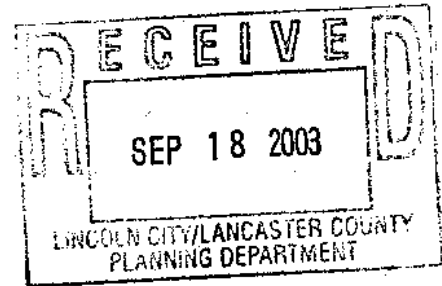
96.00'



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 17, 2003

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: SPECIAL PERMIT FOR A SALVAGE YARD  
1647 SOUTH 3<sup>RD</sup> STREET

Dear Marvin,

On behalf of Britt Baer we are submitting a Special Permit for a salvage yard at this location. Britt purchased the property in 1974 and constructed a building for the repair and sales of automobiles. As part of his business, he buys salvaged vehicles and removes certain parts to replace on other vehicles that he refurbishes and then resells the vehicle.

The site is zoned I-1 and is located quite some distance to residential zoning. He currently has most of his facilities screened with an 8' high fence, and will be adding additional fence screening to bring the site into compliance with the City of Lincoln Design standards for landscaping and screening.

The site is currently located in the 100 year flood plain. We are proposing to 'moor' the salvage vehicles in the same manor that the City Impound lot at 1<sup>st</sup> and Charleston Streets has done. Please refer to the attached special permit plans.

We are not requesting any waivers to the zoning ordinance with this application.

We are also enclosing letters of support from the adjacent neighbors.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Cc: Britt Baer  
Mark Hunzeker

Enclosures: 16 Copies of the site plan.  
Application for a Special Permit & Fee  
Certificate of Ownership.  
Neighbor Letters

September 15, 2003


Planning Department  
City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: BAER'S AUTOMOTIVE SALES- 1647 SOUTH 3<sup>RD</sup> STREET  
SPECIAL PERMIT FOR A SALVAGE YARD

Dear Planning Department,

We the undersigned business owner/ neighbor support Britt Baer's request for a Special Permit for a "Salvage Yard" as defined in the Lincoln Municipal Code.

Sincerely,

MECHANICAL WESTERN  
 PRES  
Owner

1635 So 3<sup>RD</sup> LINCOLN  
Address

Additional Comments

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